

FORM SUMMARY

Name of Form: **Order To Show Cause and Affidavit to: Change Legal Custody, Physical Placement, Child Support, Maintenance, and/or Other)**

Form Number: **FA-4171**

Statutory Reference: §§765.32 and 767.325, Wisconsin Statutes

Benchbook Reference: **FA 9-11, FA 10-26, FA 14-36**

Purpose of Form: This form may be used to order another party to come to court to justify why the requested change contained within the order should not be granted. Requests to change generally include issues concerning legal custody, physical placement, or child support of a minor child, as well as to change maintenance or any other aspect of a court order.

Who Completes It: Party seeking the finding of contempt on the other party completes the affidavit; a judge or court commissioner signs the Order itself.

Distribution of Form: Original to clerk of court. Depending on the particular county involved, either the original order itself, a duplicate original of the Order or an authenticated copy would be personally served on the other parties.

Accompanying Forms: Generally the form may be the only document needed. However if the form's instructions indicate a supporting document is needed (such as placement schedules or additional documentation), those document(s) should be attached.

New Form/Modification: New form

Comments: 1. The party seeking the change could alternatively use a Notice and Motion to Modify (FA-4170) to accomplish the same end. The basic difference between the two is one of service. An order to show cause must be personally served on the other party; a notice can be served by other means. The reason there are two forms is that the statutes provide

that the request can be brought either by “motion” or “order to show cause.”

2. If the parties can stipulate or agree to a change in the type of matters covered by this motion, the parties may use FA-604 to do so without the need for a hearing.

About this Form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court’s Office. As a *pro se* form, its use is NOT mandatory but it is required to be accepted and distributed by the circuit courts of the State of Wisconsin.